

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:06CR3107
v.	)	
	)	
DAGOBERTO FIGUEROA-CUEVAS,	)	
	)	MEMORANDUM AND ORDER
Defendant.	)	
_____	)	

A hearing was held before me this date on the motion of counsel for the defendant to withdraw. I find that the motion should be denied.

IT THEREFORE HEREBY IS ORDERED,

1. The motion to withdraw, filing 20, is denied.
2. This matter is placed back on the trial calendar and trial is set for 9:00 a.m., March 5, 2007 for a duration of four trial days before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
3. Plaintiff's motion to exclude speedy trial time, filing 19, is granted. Further, defendant waived speedy trial time in open court, and therefore the court finds that the ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between January 23, 2007 and March 5, 2007 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 23<sup>rd</sup> day of January, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge